

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

SHANNON CONLEY,  
Plaintiff,

CASE No. 6:23-cv-01353-MK

**ORDER**

v.

KIM CHAPMAN, *et al.*,  
Defendants.

---

**KASUBHAI**, United States Magistrate Judge:

Plaintiff Shannon Conley (“Plaintiff”) filed this action on behalf of Z.C., a minor child, against the Oregon Department of Human Services (“DHS”) and several of its employees (collectively, “Defendants”). Plaintiff’s Complaint alleges civil rights violations arising out of the neglect Z.C. while in the custody of DHS-certified foster care provider Joe Albert Raygosa.

On August 6, 2024, the Court held a hearing to resolve the numerous discovery disputes in this case, as well as related case *Levi v. Chapman et. al.*, Case No: 22-cv-01813-MK. Because of the significant overlap in the discovery involved, both cases are discussed herein.

Based on the parties' briefing, the arguments presented in court, and for the reasons articulated by the Court during the August 6, 2024 hearing, the Court Orders the following:

**I. *Levi v. Chapman et. al.* Case No. 6:22-cv-01813-MK:**

1. A jury trial in Eugene is SET for 2/10/2025 to 3/07/2025.
2. Defendants' Motion to Compel Deposition of Lene Ferrari (ECF No. 164) is GRANTED in part. Defendants are Ordered to prepare a supplemental protective order so that Ms. Ferrari's attorney, Ms. Creighton, may review the documents one week ahead of the deposition of Ms. Ferrari.
3. Defendants' Motion to Compel Deposition of Annette Smith (ECF No. 150) is GRANTED. Ms. Smith is not required to answer any questions that violate the attorney client privilege.

**II. *Conley v. Chapman et. al.* Case No. 6:23-cv-01353-MK:**

1. The Court is holding space in its calendar for a jury trial in Eugene for 4/21/2025 to 5/09/2025.
2. Plaintiff Conley's Motion to Compel (ECF No. 60) is GRANTED in part.
  - a. The Court Orders a third-party vendor to search the personal cell phones of Kassidy O'Brien, Stephen Hammond, and Kim Chapman. The parties are Ordered to confer regarding a third-party vendor's ability to collect information on whether text messages have been deleted. Lighthouse is the presumed third-party vendor. Consistent with the terms discussed during the August 6, 2024 hearing, the third-party vendor is Ordered to search the text messages on the phones using the search terms previously applied to the search of DHS phones, a list of approximately 50 phones numbers, and whether text message were deleted.
  - b. Plaintiff Conley may depose Defendant O'Brien for an additional two hours. Defendant O'Brien is advised that additional time for deposition may be granted by the Court upon Motion if, after reviewing the deposition transcript, the Court determines that Defendant O'Brien was not appropriately responsive to Plaintiff Conley's questioning.
  - c. Plaintiff Conley may depose Anastasia Brooks for an additional four hours.
3. Defendants' Motion to Quash and Motion for Protective Order (ECF No. 58) is DENIED.

- a. Plaintiff Conley's requested cell phone and email searches are Ordered for Kassidy O'Brien, Stephen Hammond, and Kim Chapman. Plaintiff Conley is Ordered to update the subpoenas and confer with Defendants. Plaintiff Conley will serve the subpoenas with instructions to deliver the records to offices of the Defendants' attorneys. Defendants will first be given an opportunity to review the materials produced in response to the subpoenas. As discussed during the hearing, Plaintiff Conley may only obtain header information. Defendants will have 14 days to review and then produce the permissible information to Plaintiff Conley.

### **III. Remaining Plaintiffs' Depositions:**

1. Plaintiffs may take the deposition of Margaret Ramirez and Traci Stockman. The total time for these depositions shall not exceed seven hours.
2. Plaintiffs may take the deposition of Stacey Loboy, not to exceed four hours.
3. By 9/05/2024, Counsel will provide a Joint Status Report with respect to the scheduling of attorney Patricia Gonzales' deposition.

### **IV. Defendants' Depositions of Z.C. and J.C.**

1. Given the age of Z.C. during the time of the allegations in Plaintiff Conley's Complaint, Defendants may not depose Z.C.
2. Deadline for Defendants to file a Motion to Compel the deposition of J.C. is 8/13/2024. Plaintiff will have fourteen days to Respond.

### **V. Scheduling Orders**

1. Deadline for Plaintiff Conley to file a Motion to Compel regarding Fed. R. Evid. 502(a) waiver of subject matter privilege is 8/13/2024. Defendants will have 14 days to respond.
2. Plaintiff Levi's deadline to file a Motion to Amend the Complaint is 8/13/2024. Defendants will have 14 days to respond.
3. Plaintiff Conley's Deadline for expert disclosures is 10/4/2024. Defendants' Rebuttal is due within fourteen days. All expert discovery in the Conley case will be completed by 11/4/2024. Defendants' expert disclosures to Plaintiff Levi shall be sequestered from Plaintiff Conley, as discussed.
4. The time for serving new RFPs and interrogatories is closed.
5. The time for Plaintiff Conley to move to amend the pleadings is closed.

6. Deadline for production of documents already in the parties' possession is 8/20/2024.
7. Seeking additional depositions beyond what was discussed during the August 6, 2024 hearing is prohibited.

IT IS SO ORDERED.

DATED this 15th day of August 2024.

s/ Mustafa T. Kasubhai  
MUSTAFA T. KASUBHAI (He / Him)  
United States Magistrate Judge